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CUMMINS-ALLISON CORP.			EXAMINER	
C/O NIXON PEABODY LLP			SWARTZ, JAMIE H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/084,856

Filing Date: February 27, 2002

Appellant(s): MENNIE ET AL.

William D. Pegg
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 10, 2008 appealing from the
Office action mailed December 31, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,291,003	Avnet et al.	3-1994
5,440,108	Tran et al.	8-1995
5,641,050	Smith et al.	6-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims: The following rejections are copied from the Final Office Action mailed on December 31, 2007.

Specification

1. The amendment filed October 30, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The applicant includes details about a bulk coin receptacle as well as the acceptance of bulk coins. These details are not disclosed in the original specification or the original claims.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 258-261 and 267-270 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. The applicant includes details about a bulk coin receptacle as well as the acceptance of bulk coins. These details are not disclosed in the original specification or the original claims. There are details of mixed loose coins that are added but there is nothing in the original disclosure that shows or teaches that the coins aren't added one at a time (¶ 397).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 258-261 and 267-270 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 258 and 267, the word "singulating" renders the claim(s) indefinite because the claim(s) include(s) a word that is not defined by the applicant nor is it a word found in an English dictionary thereby rendering the scope of the claim(s) unascertainable.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 258-261 and 267-270 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 5641050 A) in view of Avnet et al. (US 5291003 A).

9. Regarding claim 258, Smith teaches redeeming currency from a customer at a self-service machine (col. 5, line 30 – col. 17, line 3). Smith teaches receiving money input by the customer the act of receiving money input by the customer comprising substantially simultaneously receiving, in a coin receptacle, randomly oriented coins input by the customer (col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches a coin separation device (col. 5, line 30 – col. 10, line 55). The coin separation device is incorporated by Smith's reference to the MC5 coin changer manual. Smith teaches discriminating between authentic and non-authentic forms of the money including discriminating between valid coins and invalid coins of the bulk coins (col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches determining a total value of the authentic forms of the money input by the customer (at least col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches dispensing various items, including technological devices, and never limits what the machine can dispense (abstract, col. 6, lines 42-col. 20, line 13). Smith does not specifically state that a card can be dispensed by the invention and since Smith does not teach away it is possible that Smith could dispense a card. However, Avnet specifically teaches dispensing a card having a storage medium for storing a monetary value that is related to the total inputted value (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access

using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would be obvious to one or ordinary skill in the art at the time of the invention to modify Smith to include the details of dispensing a card. Both Avnet and Smith teach vending machines. And since Smith teaches that there are multiple items that can be dispensed by the machine it would have been obvious for Smith to dispense a value card. The purpose in combining the two references is to teach that vending machines that dispensed cards with values did exist at the time of the invention, and to show Smith could have dispensed cards with values.

10. Regarding claim 259, Smith teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the currency. Smith also teaches data cards. Smith does not specifically teach the use of a credit card on the machine. However, Avnet teaches wherein the act of receiving money input by the customer further includes the acts of receiving a credit card from the customer, deducting an amount from a line of credit from associated with the credit card, and wherein the step of determining the total inputted value further including includes adding the amount from the line of credit (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches unattended machines

for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the payment uses of a credit card. As well as convenient, accessible credit, credit cards offer consumers an easy way to track expenses, which is necessary for both monitoring personal expenditures and the tracking of work-related expenses for taxation and reimbursement purposes. Credit cards are accepted worldwide, and are available with a large variety of credit limits, repayment arrangement, and other perks (such as rewards schemes in which points earned by purchasing goods with the card can be redeemed for further goods and services or credit card cash back). Some countries, such as the United States, the United Kingdom, and France, limit the amount for which a consumer can be held liable due to fraudulent transactions as a result of a consumer's credit card being lost or stolen. The use of credit cards is secure and time efficient.

11. Regarding claim 260, Smith teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the currency. Smith also teaches data cards. Smith does not specifically teach the use of a credit card on the machine. However, Avnet teaches receiving instructions from the customer regarding the amount deducted from the line of credit (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit

access using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the use of credit cards and a line of credit. As well as convenient, accessible credit, credit cards offer consumers an easy way to track expenses, which is necessary for both monitoring personal expenditures and the tracking of work-related expenses for taxation and reimbursement purposes. Credit cards are accepted worldwide, and are available with a large variety of credit limits, repayment arrangement, and other perks (such as rewards schemes in which points earned by purchasing goods with the card can be redeemed for further goods and services or credit card cash back). Some countries, such as the United States, the United Kingdom, and France, limit the amount for which a consumer can be held liable due to fraudulent transactions as a result of a consumer's credit card being lost or stolen. The use of credit cards is secure and time efficient. Each credit card inherently has a line of credit associated with it.

12. Regarding claim 261, Smith teaches receiving money includes receiving bills from the customer (see at least abstract).

13. Regarding claim 267, Smith teaches wherein the act of receiving money includes simultaneously receiving, in a coin receptacle, randomly oriented coins input by the customer (col. 5, line 30 – col. 17, line 3).

14. Regarding claim 268, Smith teaches a method of redeeming currency from a customer at a self-service machine (col. 5, line 30 – col. 17, line 3). Smith teaches receiving coins input by the customer, the act of receiving coins comprising substantially simultaneously receiving, in a coin receptacle, randomly oriented coins input by the customer (col. 5, line 30 – col. 17, line 3). Smith teaches a coin separation device (col. 5, line 30 – col. 17, line 3). The coin separation device is incorporated by Smith's reference to the MC5 coin changer manual. Smith teaches discriminating between authentic and non-authentic coins (col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches determining a total value of the authentic coins (at least col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches dispensing various items, including technological devices, and never limits what the machine can dispense (abstract, col. 6, lines 42-col. 20, line 13). Smith does not specifically state that a card can be dispensed by the invention and since Smith does not teach away it is possible that Smith could dispense a card. However, Avnet teaches dispensing a card having a storage medium associated with a monetary value related to the total value of the authentic coins (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches

unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would be obvious to one or ordinary skill in the art at the time of the invention to modify Smith to include the details of dispensing a card. Both Avnet and Smith teach vending machines. And since Smith teaches that there are multiple items that can be dispensed by the machine it would have been obvious for Smith to dispense a value card. The purpose in combining the two references is to teach that vending machines that dispensed cards with values did exist at the time of the invention, and to show Smith could have dispensed cards with values.

15. Regarding claim 269, Smith teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the currency. Smith also teaches data cards. Smith teaches a total value (col. 5, line 30 – col. 17, line 3). Smith does not specifically state that a card can be dispensed by the invention and since Smith does not teach away it is possible that Smith could dispense a card. However, Avnet teaches the card has stored on the storage medium a monetary value related to the value of the authentic coins (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field

of dispensing machines that permit access using a plurality of payment means including data cards. It would be obvious to one or ordinary skill in the art at the time of the invention to modify Smith to include the details of dispensing a card. Both Avnet and Smith teach vending machines. And since Smith teaches that there are multiple items that can be dispensed by the machine it would have been obvious for Smith to dispense a value card. The purpose in combining the two references is to teach that vending machines that dispensed cards with values did exist at the time of the invention, and to show Smith could have dispensed cards with values.

16. Regarding claim 269, Smith teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the currency. Smith also teaches data cards. Smith teaches a total value (col. 5, line 30 – col. 17, line 3). Smith does not specifically state that a card can be dispensed by the invention and since Smith does not teach away it is possible that Smith could dispense a card. However, Avnet teaches wherein the card has stored on the storage medium account information related to an account to which the value of the authentic coins is associated (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would be obvious to

one or ordinary skill in the art at the time of the invention to modify Smith to include the details of dispensing a card. Both Avnet and Smith teach vending machines. And since Smith teaches that there are multiple items that can be dispensed by the machine it would have been obvious for Smith to dispense a value card. The purpose in combining the two references is to teach that vending machines that dispensed cards with values did exist at the time of the invention, and to show Smith could have dispensed cards with values.

(10) Response to Argument

Claim Rejections - 35 USC § 112 1st Paragraph Claims 258-261 and 267-270

With regards to claims 258-261 and 267-270, the Appellant argues that the appellant's specification has support for a customer depositing bulk coins. The examiner respectfully disagrees. The appellant fails to teach that bulk coins can be added. As it is only stated in the specification that "mixed loose coins" are added (¶ 397). However, the appellant fails to show that at any point in the invention more than one coin ever being added at a time. Figures 66-69 are further evidence to the teaching of the coins being added one at a time. Because the specification fails to teach anything in regards to "bulk" coins this is still deemed new matter.

The appellant argues (Appeal Brief, Section 7, pg. 6) that the use of a hopper makes up for the deficiency of the teaching of adding bulk coins. The examiner respectfully disagrees. The "hopper" used by the appellant is used to collect coins after

they have been physically added one by one into the machine. This "hopper" does not teach a user simultaneously adding bulk coins, the "hopper" only teaches a circular disc coin sorter that feeds coins through openings in order to sort the coins after they have been individually added. Figure 58 teaches coins landing on a disc and does not teach more than one coin being added at a time into the invention. A hopper can be used to describe a plurality of objects being received. However, the hopper used in this invention does not teach the depositing of bulk coins. It only teaches the collecting of individually deposited coins onto a tray to be sorted.

The appellant argues on (Appeal Brief, Section 7, pg. 7) about the definition of the word "loads." Though the examiner does not disagree with the definition of the word "load" the examiner does not agree that it means simultaneously adding "bulk coins." The word "load" does not require adding more than one at a time. Load requires putting the coins in the slot until "fill nearly to overflowing." The definition of the word load does not require more than one coin being added at a time.

Upon examination of the specification, including the specific embodiments, figures, and sequence listings, the examiner respectfully submits that the appellant has failed to prove that they were in possession of a device that simultaneously accepted bulk coins.

Claim Rejections - 35 USC § 112 2nd Paragraph Claims 258-261 and 267-270

With regards to claims 258-261 and 267-270, the Appellant argues that the use of the word "singulating" does not render the claims indefinite. The examiner

respectfully disagrees. The appellant argues that even though there is no specific use of the specific term in the written statement they can be their own lexicographer. However, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description **must** clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. The appellant states that the term "singulating" is used in other patents (Appeal Brief, Section 7, pg. 13). However, upon further look into the use of singulating in other patents a gamut of different uses of the word are found from transportation, to corn cutters, to wafer molding, to semi conductors. The appellant merely states that it was used in prior applications yet not defined in known dictionaries or even defined in the appellant's specification. The appellant is free to be their own lexicographer only in cases where there is adequate support in their written description. There is not adequate support for the term singulating in the written description.

Claim Rejections - 35 USC § 103 Paragraph Claims 258-261 and 267-270

With regard to claims 258-261 and 267-270, Appellants argue that Smith does not disclose dispensing various items including technology (Appeal Brief, Section 7, pg. 16). The examiner strongly and respectfully disagrees, and maintains that the prior art references, used in rejecting the claims, clearly and expressly discloses all the recited features of the claims, as currently presented, and that Appellant has misinterpreted and/or not fully considered all the teachings and disclosures of the prior arts of record.

Smith teaches that the disclosed vending machine isn't a standard machine which would sell snack foods and refreshments. Smith goes on to state that the machine sells more expensive and more sophisticated consumer products than were traditionally available. Smith then goes on to say "for example, video games at video game parlors, and access to public transportation systems (col. 7, lines 12-36)." A video game was well known in the art at the time of the invention for being a type of technology. This as stated by the examiner Smith teaches the dispensing of technological devices. The Appellant argues that the examiner is claiming that Smith teaches a "domain of infinite scope." The examiner respectfully disagrees. The examiner was merely stating that Smith does not limit the various items that could be dispensed by the specific vending machine. Thus, because Smith teaches more than just food and beverages and does teach the dispensing of technology Smith could teach dispensing a stored value card. Both Smith and Avnet teach vending machines with the capability of dispensing technological devices. The combination of known elements of Smith and Avnet requires taking Avnet which was known at the time of the invention as a vending machine for dispensing value cards and giving Smith which was known at the time as a vending machine for dispensing technological devices.

The Appellants argue that Smith does not teach a coin separation device (Appeal Brief, Section 7, pg. 18). The examiner respectfully disagrees and maintains that the prior art references, used in rejecting the claims, clearly and expressly discloses all the recited features of the claims, as currently presented, and that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of the prior

arts of record. Smith teaches receiving the coins individually in the coin accepter and separating the valid coins from the invalid coins (col. 10, lines 19-55). The examiner does agree that Smith does not specifically teach coin "sorting" however, the appellant has not claimed a coin sorting mechanism. The appellant merely teaches a separation device. The MC5 line of coin changers are a well known in the art brand of coin changers, which have currency separated, even sorted, into their various denominations.

The Appellants argue that the combination of Smith and Avnet fail to teach the new matter of "substantially simultaneously receiving, in a bulk coin receptacle, randomly oriented bulk coins input by said customer (Appeal Brief, Section 7, pg. 18)." Smith teaches receiving money input by the customer the act of receiving money input by the customer comprising substantially simultaneously receiving, in a coin receptacle, randomly oriented coins input by the customer (col. 7, lines 43-67, col. 10, lines 20-45). Nevertheless, the art rejection addresses the argued features because the art teaches the inputting of the randomly oriented coins by the customer in a coin receptacle. The functionality in the claim is the same as the disclosed functionality in Smith. Based on Fig. 66-69 filed with the original application it is unclear how the appellant is to have a customer simultaneously deposit bulk coins into the vending device. Smith has a similar method of depositing coins based on the method of depositing coins depicted in Fig. 66-69. Smith's functionality is too performed by a machine and is therefore effectively a bulk coin receptacle since it is performing the functionality of a bulk coin receptacle, as defined by the claim language and Fig. 66-69.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jamie H Swartz/

Examiner, Art Unit 3694

Conferees:

/Mary Cheung/

Primary Examiner, Art Unit 3694

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694